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#6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Timothy R. Block et al. : Date: June 19, 2002
Group Art Unit: 2662 : IBM Corporation
Examiner: J. Pezzlo : Intellectual Property Law
Serial No.: 09/173,090 : Dept. 917, Bldg. 006-1
Filed: October 15, 1998 : 3605 Highway 52 North
Confirmation No.: 1258 : Rochester, MN 55901

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Technology Center 2600

Title: CLUSTER DESTINATION
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Assistant Commissioner for Patents
Washington, D.C. 20231

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TERMINAL DISCLAIMER TO OBVIATE

A DOUBLE PATENTING REJECTION (37 C.F.R. 1.321(b))

Identification Of Person(s) Making This Disclaimer

I,

Name of disclaimant: Steven W. Roth
Residing at: IBM Corporation
Intellectual Property Law Dept.
Dept. 917, Bldg. 006-1
3605 Highway 52 North
Rochester, Minnesota 55901-7829

06/27/2002 SDENB0B1 00000107 090465 09173090
01 FC:148 110.00 CH

Docket No.: RO998-088
Serial No.: 09/173,090

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represent that I am

- ☐ an inventor of this invention.
☐ an assignee of this invention.
☒ a representative authorized to sign on behalf of the assignee identified below.

Identity of Assignee and Title of Disclaimant (if applicable)

The assignee is:

Name of assignee:	International Business Machines Corporation
Address of assignee:	Armonk, New York 10507
Title of disclaimant:	Counsel, Intellectual Property Law authorized to sign on behalf of assignee

Recordal of Assignment in PTO

- ☒ The assignment was recorded on June 2, 1999.
Reel 9993
Frame 0003
☐ Authorization for recordal of the assignment is separately attached

Extent of Interest

The extent of my (our) interest is in

- ☒ the whole of this invention
☐ a sectional interest in this invention as follows (here state the exact interest of the disclaimant(s): _____

Disclaimer

I hereby disclaim the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term, without reference to premature expiration by reason of non-payment of maintenance fees, a court holding of invalidity or any other unforeseen event, of :

- ☒ United States Patent No. 6,192,417, as presently shortened by any terminal disclaimer,
☐ Any patent granted on application number 09/280,469,

and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to:

- ☒ United States Patent No. 6,192,417,
☐ Any patent granted on application number 0_ / _____,

Docket No.: RO998-088

Serial No.: 09/173,090

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this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

I do not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of

- ☒ United States Patent No. 6,192,417, as presently shortened by any terminal disclaimer
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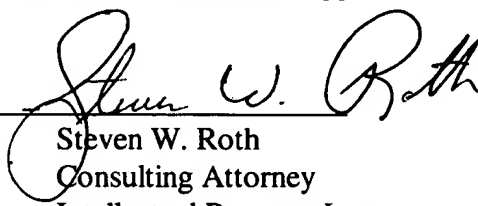
in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Fee Status & Payment (37 C.F.R. 1.20(d))

The required fee for filing by other than a small entity is \$110.00.

- ☐ Attached is a check in the sum of \$ _____.
☒ Charge Account 09-0465 for any fee deficiency required by this paper
☒ Charge Account 09-0465 the sum of \$110.00. A duplicate of this disclaimer is attached.

INTERNATIONAL BUSINESS
MACHINES CORPORATION

By 
Steven W. Roth
Consulting Attorney
Intellectual Property Law
Registration No. 34,712

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CERTIFICATION UNDER 37 C.F.R. 3.73(b)

INTERNATIONAL BUSINESS MACHINES CORPORATION, a corporation, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 9993, Frame 0003.

The undersigned has reviewed all documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: June 19, 2002

Name: Steven W. Roth

Title: Consulting Attorney

Intellectual Property Law

Registration No. 34,712

Signature: 

Docket No.: RO998-088

Serial No.: 09/173,090